

REMARKS

The Examiner is thanked for the thorough examination of the present application. The FINAL Office Action has, however, again rejected all pending claims. Specifically, claims 1-4, 7-8, 13, and 15-19 are rejected on new grounds. Reconsideration of the application in view of the following comments is respectfully requested.

Claim Rejection - 35 U.S.C. § 103

With respect to paragraphs 5 and 6, the Office Action rejected claims 1-4, 7-8, 13, and 15-18 under 35 U.S.C. §103(a) as allegedly unpatentable over Yamamoto et al. (US 2002/0047818) in view of Yi et al. (US 6,791,522), and rejected claim 19 under 35 U.S.C. §103(a) as allegedly unpatentable over Yamamoto et al. in view of Yi et al. and further in view of Ono et al. (US 5,526,013). Of the rejected claims, claims 2-4 and 7-8 depend from claim 1, and claims 15-19 depend from claim 13.

When applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993) (MPEP §2141.01(a) Analogous and Nonanalogous Art)

As admitted in the Office Action (top of page 4), Yamamoto does not expressly disclose the claimed features of connecting the liquid crystal cell to the black image line, isolating the second electrode of the cell from the black image line or a common voltage that is steady voltage value. Instead the Office Action alleges that these features are

disclosed by Yi, which is allegedly “analogous art [with Yamamoto] because they are both from the same field of endeavor namely LCD display pixel circuitry and driving.” (Page 4, lines 12). Applicant respectfully disagrees.

Yi actually relates to and is limited to utilize a triodic rectifier switch (TRS) for a display device, which is simpler in the manufacturing process and lower in cost than a thin film transistor (TFT) (col. 1, lines 13-15 and 21-22). Yi further emphasizes the triodic rectifier switch has many advantages than other switching elements, for example, the thin film transistors employed in the embodiments of the present application or other combinations of a diode and a capacitor (col. 1, lines 23-27). That is, according to the disclosure of Yi, the LCD driving circuit should totally utilize the triodic rectifier switch without any transistor (such as a TFT) or capacitor in order to achieve the low leakage current characteristics.

Yi, because of omitting and excluding the transistor or capacitor in the LCD driving circuit, would not have been recognized as a potential solution to the problems of Yamamoto, such that one skilled in the art would not appreciate their selective combination. The references take mutually exclusive paths and reach different solutions to a similar problem. In this regard, the two references actually teach away from each other. Since they teach away from each other, it would not be logical to combine them.

In addition, and compared with Yamamoto, which inserts the black image while the black image transistor is in the ON state (Fig. 14), the driving method disclosed by the present application relates to inserting the black image while the black image transistor is in the OFF state (see Figs. 4C, 5C). As there is no proper motivation to combine Yamamoto with Yi as stated above, the references cannot properly disclose

the driving method and apparatus of the claimed embodiments of the present application.

For at least these reasons, Applicant respectfully requests the 35 U.S.C. §103(a) rejections of claims 1 and 13 to be reconsidered and withdrawn. In addition, insofar as claims 2-4 and 7-8 depend from independent claim 1 and claims 15-19 depend from independent claim 13, and these claims add further limitations thereto, the 35 U.S.C. §103 (a) rejections of these claims should be withdrawn as well.

As an independent basis for the patentability of all claims, Applicant submits that the alleged combination of Yi and Yamamoto would not have been obvious. As noted above, the Office Action alleged that the combination would have been obvious "because they are both from the same field of endeavor namely LCD display pixel circuitry and driving... The motivation for doing so would have been to create a reset pixel structure that is both easier and cheaper to manufacture." (Office Action, p. 4, lines 12-16). Applicant disagrees.

In this regard, the MPEP section 2141 states:

Office policy has consistently been to follow Graham v. John Deere Co. in the consideration and determination of obviousness under 35 U.S.C. 103. As quoted above, the four factual inquiries enunciated therein as a background for determining obviousness are briefly as follows:

- (A) Determining of the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

...
BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;

(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and

(D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Simply stated, the Office Action has failed to at least (1) ascertain the differences between and prior art and the claims in issue; and (2) resolve the level of ordinary skill in the art. Furthermore, the alleged rationale for combining the two references (i.e., rewire the black image transistor) embodies clear and improper hindsight rationale. For at least this additional reason, Applicant submits that the rejections (based on the combination of Yi and Yamamoto) are improper and should be withdrawn.

Conclusions

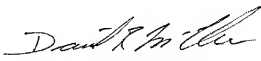
For all of the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims define patentably over the prior art of record. Therefore applicants respectfully request issuance for this case at the Office Action's earliest convenience.

If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this Response to FINAL Office Action. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted ,

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